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EXAMINER

CHIANG, JACK

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 12/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/842563

Applicant(s)

Gironroot

Examiner

J. Whiting

Group Art Unit

2642

#8

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 10-14-03.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-28 is/are pending in the application.
- Of the above claim(s) 6-27 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-5, 28 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 2,4,7
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

RESTRICTION

1. The restriction dated on 09/09/03 is made final. Claims 1-5 and 28 are examined. Claims 6-27 had been withdrawn from further consideration.

DRAWINGS

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "two release actuators ... unsynchronized..." called for in claims 3-5 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

CLAIMS

112-Second Paragraph Rejection

3. Claims 4-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 4-5, they both claim that "said two releasing actuator are **unsynchronized**", and claim 4 claims to actuate either one of the actuators, and claim 5 claim to only actuate both of them. It appears that they are contradicting each other.

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Art Rejection

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Castiel (US 6249672).

Regarding claim 1, Castiel shows:

A body part (104);

A sleeve-like grip part (102) mounted to the body part (104) for longitudinal slidable movement between a retracted position (fig. 3) and an extended position (fig. 1a);

Mechanically coupled to the body part and the grip part, a movement-effecting mechanism for effecting the longitudinal slidable movement (the slide, see col. 2, lines 6-15);

A locking mechanism (400);

A user-actuatable releasing actuator (106) which is located within the grip part (102).

Regarding claims 2 and 28, Castiel shows:

The grip part (102) having first and second side surfaces (two sides), and the actuator (106);

The body part (104) having a majority of the electrical parts, and the grip part (102) having surfaces configured for a single-hand grip.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-5, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Castiel in view of Holmberg (US 6568956).

Regarding claims 3-5, Castiel shows the release actuator (106).

Castiel differs from the claimed invention in that it shows one release actuator instead of two.

However, the concept of providing a release actuator is well taught by Castiel. Further, Holmberg teaches providing two release actuators (12) for a locking mechanism. Also, from the pages 8 and 12 of the present application, it shows one release actuator and suggests that two release actuators can be used. In other words, there is no details on how two actuators can be implemented, and no teaching of criticality for one actuator over two actuators.


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Hence, it would have been obvious for one skilled in the art to use Castiel as it is, or to modify Castiel with two actuators as taught by Holmberg. This simply can be considered as a variation of Castiel as long as the basic concept of providing the release actuator is substantially unchanged. This also can be considered as duplicating parts of the Castiel's device (St. Regis Paper Co. v Bemis Co., 193 USPQ 8, 7th Cir. 1977).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 703-305-4728. The examiner can normally be reached on Mon.-Fri. from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.


Jack Chiang
Primary Examiner
Art Unit 2642